

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0858

-M-E-M-O-R-A-N-D-U-M-

RECORDED AND REPORTING
9:00 - 7 AM 11:46
RECEIVED-FPSC

DATE: OCTOBER 7, 1999

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYÓ)

FROM: DIVISION OF TELECOMMUNICATIONS (ISLER) *Pif* *TD*
DIVISION OF LEGAL SERVICES (K. PEÑA; C. BEDELL) *hkf* *CS*

RE: DOCKET NO. 991024-TC - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF PAY TELEPHONE CERTIFICATE NO. 4107 ISSUED TO MARK MOCAS FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 10/19/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\991024.RCM

CASE BACKGROUND

- **02/10/95** - This company obtained PATS Certificate No. 4107.
- **12/10/98** - The 1998 Regulatory Assessment Fee (RAF) Notice was mailed. Payment was due 02/01/99.
- **09/07/99** - At the Agenda Conference, the Commission voted to impose a \$500 fine for nonpayment of the 1998 regulatory assessment fee, plus statutory penalty and interest charges, or cancel the company's certificate.
- **09/08/99** - The Commission received the company's RAF, including penalty and interest charges, and a letter requesting voluntary cancellation of its certificate. The

DOCUMENT NUMBER-DATE

12140 OCT-7 99

FPSC-RECORDS/REPORTING

company report \$0 revenues for the period ending December 31, 1998.

Therefore, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Mark Mocas a voluntary cancellation of its Pay Telephone Certificate No. 4107?

RECOMMENDATION: Yes. The Commission should grant the company a voluntary cancellation of its pay telephone certificate with an effective date of September 8, 1999. (Isler)

STAFF ANALYSIS: Rule 25-4.0161, Florida Administrative Code, requires the payment of regulatory assessment fees by January 30 of the subsequent year for telecommunications companies, and provides for penalties and interest as outlined in Section 350.113, Florida Statutes, for any delinquent amounts.

On September 8, one day after the Agenda Conference at which the Commission voted to impose a \$500 fine or cancel the company's certificate, the company paid the past due amount in full, including statutory penalty and interest charges, and requested voluntary cancellation of its certificate.

Accordingly, staff believes the company's request for a voluntary cancellation of its pay telephone certificate should be granted with an effective date of September 8, 1999.

DOCKET NO. 991024-TC
DATE: OCTOBER 7, 1999

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation in Issue 1, this docket should be closed. (K. Peña; C. Bedell)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, no other issues remain unresolved and this docket should be closed.